

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY
(PCT Rule 66)

| | |
|---|--|
| Date of mailing (day/month/year) 16.06.2005 | |
| Applicant's or agent's file reference <i>App. Symbian (PCT)</i> | REPLY DUE within 2 month(s) from the above date of mailing |
| International application No. PCT/GB2004/002912 | International filing date (day/month/year) 02.07.2004 |
| Priority date (day/month/year) 02.07.2003 | |
| International Patent Classification (IPC) or both national classification and IPC G06F9/46, G06F1/32 | |
| Applicant SYMBIAN SOFTWARE LIMITED | |

1. ☒ The written opinion established by the International Searching Authority:
☒ is ☐ is not
considered to be a written opinion of the International Preliminary Examining Authority
2. This second report contains indications relating to the following items:
 - ☒ Box No. I Basis of the opinion
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 02.11.2005

Name and mailing address of the International preliminary examining authority:



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**WRITTEN OPINION OF THE INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY**

International application No.
PCT/GB2004/002912

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this opinion is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed")*:

Description, Pages

| | |
|------------|----------------------------------|
| 1, 2, 5, 6 | as originally filed |
| 3, 4 | filed with telefax on 01.05.2005 |

Claims, Numbers

| | |
|------|----------------------------------|
| 1-14 | filed with telefax on 01.05.2005 |
|------|----------------------------------|

Drawings, Sheets

| | |
|-----|---------------------|
| 1/1 | as originally filed |
|-----|---------------------|

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
 4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

**WRITTEN OPINION OF THE INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY**

International application No.
PCT/GB2004/002912

**Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-14 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-14 |
| Industrial applicability (IA) | Yes: Claims | 1-14 |
| | No: Claims | |

2. Citations and explanations:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

- 1 Reference is made to the following document, cited in the International Search Report:

D3: EP-A-0 942 368 (LUCENT TECHNOLOGIES INC) 15 September 1999

- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claims 1-14** does not involve an inventive step in the sense of Article 33(3) PCT.

INDEPENDENT CLAIM 1

- 2.1 The document D3 (the references in parentheses applying to this document) discloses:

a method of enabling a multitasking computing device to preserve system resources (col 3, line 57 - col 4, line 9), comprising the steps of

(a) determining if an application (*task*) is in the background or foreground (col 8, lines 20-31),

(b) suspending the running of an untrusted application while the application is in the background but allowing the untrusted application to run again once in the foreground,

from which the subject-matter of claim 1 differs in that it defines an application which is untrusted and suspending the running of the untrusted application while the application is in the background but allowing the untrusted application to run again once in the foreground.

The feature of determining whether an application is trusted or untrusted is a well-known design option for the person skilled in the art, see for instance document D1 (page 120, right-hand column, lines 30-38).

Moreover, the feature of transition from one execution state to another execution state of a task is known from document D3 (col 9, lines 3-8; col 10, lines 10-20).

Furthermore, the feature of suspending the running of an application while the application is in the background but allowing the application to run again once in the foreground is a well-known design option, which fully corresponds to the interrupt mechanism suspending the execution of a "background" task, and initiating the execution of a "foreground" task, upon occurrence of an interrupt and resuming the execution of the background task after handling said interrupt.

The person skilled in the art would effortlessly apply all the above optional features to the teaching of the document D3 and in so doing, he would arrive, without exercising any inventive effort, at the subject-matter of claim 1.

Thus the subject-matter of **claim 1** does not involve an inventive step in the sense of Article 33(3) PCT.

INDEPENDENT CLAIMS 12 and 14

2.2 The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent **claims 12 and 14**, which therefore is also considered as not involving an inventive step.

DEPENDENT CLAIMS 2-11 and 13

2.3 The additional features of dependent **claims 2-11 and 13** are, insofar as not known from the obvious combination of documents D1 and D3 (see passages cited in the International Search Report), routine measures normally to be expected by the person skilled in the art, and are therefore not inventive.

Paweł Kuśnierczak